



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/960,597 | 09/20/2001 | Koji Sakuma | 225-010566-US(PAR) | 5449 |
| 2512 | 7590 | 08/26/2004 | EXAMINER | |
| PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824 | | | YOUNG, JOHN L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3622 | |

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,597

Applicant(s)

SAKUMA ET AL

Examiner

John L Young

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

Art Unit: 3622

NON-FINAL REJECTION

DRAWINGS

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTION — 35 U.S.C. §103(a)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wynblatt 6,219,696 (04/17/2001) [US f/d: 8/1/1997] (herein referred to as "Wynblatt").

As per claim 1, Wynblatt (the ABSTRACT; FIG. 1; Fig. 2; col. 1, ll. 5-10; col. 1, ll. 60-67; col. 2, ll. 1-10; col. 2, ll. 22-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-55) shows an "advertisement information providing apparatus which provides advertisement information for advertising a plurality of shops to each one of mobile vehicles. . . ."

Wynblatt (FIG. 2; and col. 2, ll. 47-67) shows "a database in which pieces of said advertisement information are stored correspondingly to said shops respectively and

Art Unit: 3622

merchandised product genre information, which indicates types of merchandised products for which an advertisement is desired, is stored correspondingly to each of said mobile vehicles. . . .”

Wyblatt (FIG. 1; col. 5, l. 60-67; and col. 6, ll. 1-10) shows “an area distinguishing part which distinguishes an area in which one of said mobile vehicles is present. . . .”

Wyblatt (col. 4, ll. 1-67; FIG. 1; col. 5, l. 60-67; and col. 6, ll. 1-10) shows “a first searching part which searches out said shops which are located in said area from said database. . . .”

Wyblatt (col. 1, ll. 10-60; col. 4, ll. 1-67; FIG. 1; col. 5, l. 60-67; and col. 6, ll. 1-10) shows “a merchandised product genre information reading part which reads out said merchandised product genre information corresponding to said one of said mobile vehicles from said database. . . .”

Wyblatt (col. 1, ll. 10-60; col. 4, ll. 1-67; FIG. 1; col. 5, l. 60-67; and col. 6, ll. 1-10) shows “a second searching part which searches out a shop having a merchandised product genre information among said shops retrieved by said first searching part. . . .”

Wyblatt (FIG. 1; col. 5, l. 60-67; and col. 6, ll. 1-10) shows “an advertisement information sending part which reads out said advertisement information corresponding to said shop retrieved by said second searching part using said database and sends said advertisement information to said one of said mobile vehicles.”

Wyblatt lacks explicit recitation of “an advertisement information sending part which reads out said advertisement information corresponding to said shop retrieved by said second

Art Unit: 3622

searching part using said database and sends said advertisement information to said one of said mobile vehicles.”

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Wynblatt (the ABSTRACT; FIG. 1; Fig. 2; col. 1, ll. 5-10; col. 1, ll. 60-67; col. 2, ll. 1-10; col. 2, ll. 22-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-55) implicitly shows “an advertisement information sending part which reads out said advertisement information corresponding to said shop retrieved by said second searching part using said database and sends said advertisement information to said one of said mobile vehicles. . . .” and it would have been obvious to modify and interpret the disclosure of Wynblatt cited above as showing “an advertisement information sending part which reads out said advertisement information corresponding to said shop retrieved by said second searching part using said database and sends said advertisement information to said one of said mobile vehicles. . . .”, because modification and interpretation of the cited disclosure of Wynblatt would have provided means “*which allows access to Internet information customized to roadside advertisements. . . .*” (see Wynblatt col. 1, ll. 59-67), based on the motivation to modify Wynblatt so as to provide “*the simplest case . . . [where in] a local advertisement, a local agent could be included in a store front, and the mobile agents could be in automobiles. . . . As a driver passes by the store. . . .*” (see Wynblatt (col. 5, ll. 48-60)).

Art Unit: 3622

As per dependent claims 2-8, Wynblatt shows the apparatus of claim 1 and subsequent base claims depending from claim 1.

Wynblatt lacks explicit recitation of the elements and limitations of claims 2-8, even though the disclosure of Wynblatt reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 2-8 were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Wynblatt (the ABSTRACT; FIG. 1; Fig. 2; col. 1, ll. 5-10; col. 1, ll. 60-67; col. 2, ll. 1-10; col. 2, ll. 22-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-55) implicitly shows, for example: “The advertisement information providing apparatus . . . further comprising an accounting part which charges said shop . . . for a surrogate advertisement fee. . . .” (see claim 2) ; and “a mobile terminal apparatus which receives said advertisement information and outputs voices and images based on said advertisement information is mounted on each of said mobile vehicles. . . . (see claim 3)”; and “an input part. . . . (see claim 4)”; and a database of information see claim 5; and a “position detecting part. . . . (see claim 6)”; and “a route navigation information generating part. . . (see claim 7)”; and “a plurality of wireless base stations. . . .(see claim 8)”; and it would have been obvious to modify and interpret the disclosure of Wynblatt cited above as showing each and every element in dependent claims 2-8, because modification and interpretation of the cited disclosure of

Art Unit: 3622

Wynblatt would have provided means “*which allows access to Internet information customized to roadside advertisements. . . .*” (see Wynblatt col. 1, ll. 59-67), based on the motivation to modify Wynblatt so as to provide “*the simplest case . . . [where in] a local advertisement, a local agent could be included in a store front, and the mobile agents could be in automobiles. . . . As a driver passes by the store. . . .*” (see Wynblatt (col. 5, ll. 48-60)).

Independent claim 9 is rejected for substantially the same reasons as independent claim 1.

Dependent claim 10 is rejected for substantially the same reasons as dependent claims 3 & 7.

RESPONSE TO ARGUMENTS

3. Applicant's arguments (Amendment paper filed 5/10/2004) have been considered but are not persuasive for the following reasons:

Applicant's arguments are moot based on new grounds of rejection presented in this Office action.

Art Unit: 3622

CONCLUSION

4. Any response to this action should be mailed to:

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist

Crystal Park V

2451 Crystal Drive

Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Serial Number: 09/960,597

(Sakuma et al.)

8

Art Unit: 3622

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



John L. Young

Primary Patent Examiner

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

August 22, 2004